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DISTRICT COURT  
12 JAN 04 PM 2:21  
DISTRICT OF UTAH

**PAUL GOTAY, #1224**  
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BY: \_\_\_\_\_  
DEPUTY CLERK

**Attorney for Defendant**

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**LESTER JAY MABE,**

Defendant.

**MOTION TO SUPPRESS**

Case No.2:03CR00986

Judge Ted Steward

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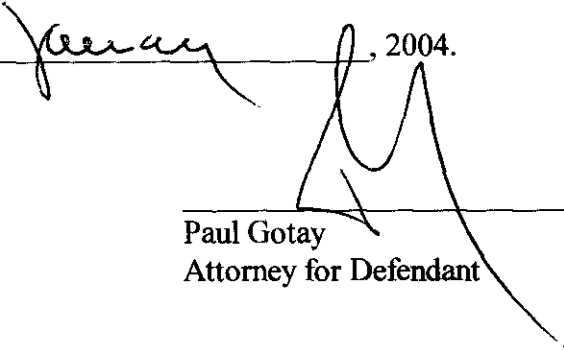
COMES NOW the Defendant, by and through his Attorney, Paul Gotay, and moves this Court as follows:

To suppress any and all statements made by the Defendant, and all evidence seized, during the course of an interrogation and search conducted by Detective Jeffrey S. Rose on September 23, 2003. As a basis for this Motion, Defendant asserts that he was in custody at the time of his interrogation and search and that he was not informed of his constitutional rights prior to questioning and search. The interrogation and search were conducted in violation of Defendant's rights under the Fifth and Sixth Amendments to the United States Constitution (See Miranda v. Arizona, 384 U.S.

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436 (1966) and Article I, Section 12 of the Constitution of the State of Utah. All statements elicited through the course of interrogation and search must therefore be suppressed. Miranda v. Arizona, 384 U.S. 436 (1966).

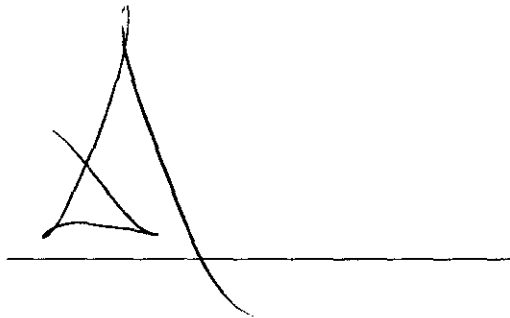
DATED this 12 day of January, 2004.

  
Paul Gotay  
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing MOTION TO SUPPRESS, was either hand-delivered or mailed by United States mail, postage prepaid, this 12 day of January, 2004, to the following:

**Paul G. Amman**  
Attorney for the United States  
1855 South State Street  
Salt Lake City, Utah 84111

A handwritten signature, likely of Paul G. Amman, is written over a horizontal line. The signature is stylized, with a large 'A' and a long, sweeping tail that extends to the right.